

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

#### **Proposing rule making related to public transit and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 923, “Capital Match Revolving Loan Fund,” and Chapter 924, “Public Transit Infrastructure Grant Program,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 307.12 and 1985 Iowa Acts, chapter 265.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 324A and 1985 Iowa Acts, chapter 265.

#### *Purpose and Summary*

The proposed amendments to Chapter 923 correct the name of the Public Transit Bureau and clarify that primary documentation must be kept for a period of three years following contract closeout. The other proposed amendments to this chapter concern the project eligibility criteria. The project must be included in the public system’s adopted transportation improvement program, and the criterion requiring that the project be part of a statewide program is stricken because it is no longer needed. If the project was included by the transit agency in its adopted transportation improvement program, the project is then automatically included in the statewide program of transit projects.

The proposed amendments to Chapter 924 amend the definition of “public transit system” so that it means the same as the definition in Iowa Code chapter 324A, correct the name of the Public Transit Bureau, add a new subrule stating that no public transit system may receive more than 40 percent of the funding available in one year to match the guidance the Department has given the public transit agencies for years, and add an explanation of where the useful life thresholds of transit structures and facilities can be found to ensure applicants are aware of long-term commitment.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

#### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 5, 2021. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Strategic Communications and Policy Bureau  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

### *Public Hearing*

If requested, a public hearing to hear oral presentations will be held on January 7, 2021, via conference call from 2:30 to 3:30 p.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on January 5, 2021, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 923.1(2) as follows:

**923.1(2) Information.** Requests for information about and for assistance with the preparation and submission of loan requests should be directed to the ~~Office of Public Transit Bureau~~, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)233-7870. Information is also available on the department's website at [www.iowadot.gov](http://www.iowadot.gov).

ITEM 2. Amend subrule 923.3(2) as follows:

**923.3(2)** The transit system maintains primary documentation for all revenues and expenses for a period of at least three years following contract closeout.

ITEM 3. Amend rule 761—923.4(71GA,ch265) as follows:

#### **761—923.4(71GA,ch265) Project eligibility.**

**923.4(1)** A project is eligible if it meets all of the following criteria:

- a. No change.
- b. The project meets an identifiable transit need that has been included in the public transit system's ~~planning or programming document~~ adopted transportation improvement program.
- ~~c. The project is part of a statewide program of transit projects which has been adopted by the transportation commission.~~
- ~~d. c.~~ The local funding needed for the project justifiably exceeds the public transit system's annual capital match funding capability.

**923.4(2)** No change.

ITEM 4. Amend rule ~~761—924.2(324A)~~, definition of "Public transit system," as follows:

*"Public transit system"* means ~~one of the regional transit systems or urban transit systems designated under~~ same as defined in Iowa Code section 324A.1.

ITEM 5. Amend rule 761—924.3(324A) as follows:

**761—924.3(324A) Information and forms.** Information, instructions, and application forms are available from the ~~Office of~~ Public Transit Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)233-7870; or the department's ~~Web site~~ website at [www.iowadot.gov](http://www.iowadot.gov).

ITEM 6. Adopt the following **new** subrule 924.10(4):

**924.10(4)** No single public transit system may receive more than 40 percent of the funding available in one year.

ITEM 7. Amend subrule 924.16(3) as follows:

**924.16(3) Ownership.** The transit system must retain ownership of the new, renovated or repaired structure or facility for its useful life. If the structure or facility is transferred to a subcontracted entity or is sold before the useful life has expired, the transit system must repay the prorated state interest to the department. Useful life thresholds can be found in the department's transit manager's handbook, available on the department's website at [www.iowadot.gov](http://www.iowadot.gov).